

States	Proposed or Recently Passed State Legislation
Alabama	N/A
Alaska	N/A
Arizona	<p>SB1055 – 2006, Enacted. Allows homeowners to also fly military flags.</p> <p>SB1007 – 2006, Enacted. Closes loopholes in HOA excuses for not providing access to records. It also placed a minimum debt to the HOA of \$1,200 before a foreclosure can be filed, and only after a one year wait (duplicated in SB1008). This bill also incorporates SB1560. In civil court, Arizona requires the mandatory disclosure of certain information between both parties as a means of avoiding a trial.</p> <p>SB1100 – 2006, Failed. Requires homeowners' associations to allow the outdoor display of specified flags.</p> <p>HB 2824 – 2006, Enacted. Grants an administrative law judge jurisdiction over disputes between homeowners' associations and HOA members.</p>
Arkansas	N/A
California	<p>SB 551 – 2006, Failed. Establishes within the Department of Consumer Affairs, the Common Interest Development Bureau. The bill would require the bureau to, among other things, offer training materials and courses to common interest development directors, officers, and owners, in subjects relevant to the operation of a common interest development and the rights and duties of an association or owner.</p>
Colorado	<p>SB 06-89 – 2006, Enacted. Common interest communities - homeowners' associations - allowable regulations - dispute resolution - financial records - notices - amendment of covenants - meetings - board member conflicts of interest – insurance.</p> <p>HB 05-1058 – 2005, Enacted. Tenants and landlords - mobile homes - home owner meetings - rental agreements - basic rights. States that the homeowners in a mobile home park have the right to establish a homeowners' association.</p> <p>SB 05-100 – 2005, Enacted. Common interest communities - homeowners' associations - condominiums - covenants - rights and duties of unit owners - association executive boards - conflicts of interest - organization - administration - meetings - voting - dispute resolution - attorney fees - xeriscaping - political speech.</p>
Connecticut	<p>HB 5375 – 2005, Failed. An act exempting from sales tax certain services provided to condominium associations.</p> <p>HB 6144 – 2005, Failed. An act concerning uniform condominium association rules and executive boards.</p> <p>HB 6158 – 2005, Failed. An act authorizing municipalities to lower property tax rates for certain adult community condominium associations.</p>
Delaware	<p>SB 211 – 2005, Failed. Rewrites the provision of Delaware Code relating to the rental or sale of a manufactured home community, requires the owner of the manufactured home community to notify all tenants 60 days prior to completing any sale or transfer of the community.</p>
District of Columbia	<p>B16-0834 –2006, In the Finance and Revenue Committee. Homeowners' association common area real property tax exemption and relief act of 2006. (Still in session).</p>
Florida	<p>HB 391 – 2006, Vetoed by Gov. Provides for the revival of certain covenants that have lapsed; prohibits local governments from limiting the access of certain persons to beaches adjacent to or adjoining condominium property; requires the association to provide certain information to prospective purchasers or lien holders; provides for architectural control covenants and parcel owner improvements; revises provisions relating to dispute resolution, etc.</p> <p>SB 1556 – 2006, Vetoed by Gov. Substantially revises provisions re termination of condominium form of ownership of property; provides grounds for termination; waives certain notice requirements following natural disasters; provides requirements for plan of termination; provides procedure for contesting plan of termination; provides rules for distribution of property & sale proceeds; allows creation of another condominium by trustee, etc. Amends 718.117.</p> <p>SB 1184 – 2004, Enacted. Provides immunity from liability for certain info. provided by associations to prospective purchasers or lien holders under certain circumstances; prohibits insurers from requiring associations to purchase medical malpractice coverage as condition of issuing other coverage; creates Condominium Ombudsman Office within Fla. Land Sales, Condominiums & Mobile Homes Div.; creates Advisory Council on Condominiums, etc. Amends FS.</p> <p>SB 2984 – 2004, Enacted. Provides for applicability of amendments restricting certain rights of unit owners; provides immunity from civil liability for community associations that provide automated defibrillator devices under certain circumstances; prohibits insurers from requiring associations to purchase medical malpractice coverage as condition of issuing other coverage; provides legislative intent re revival of governance of community, etc. Amends FS.</p>

Georgia	N/A
Hawaii	<p>HB 2580 – 2006, Failed. Requires a title insurer to notify a homeowners' association when real property sold is found to be a part of the association. Requires the title insurer to collect and remit the transfer fee to the association and provide a copy of the conveyance.</p> <p>SB 2193 – 2006, Enacted. Requires planned community association (PCA) boards to give notice of the formation of a committee or subcommittee in meeting minutes and provide PCA members with better access to records.</p> <p>HB 3100 – 2006, Enacted. Limits down payment in event of power of sale foreclosure auction to not more than 10 percent of successful bid. Adds planned community associations to the list of entities that receive notice of power of sale foreclosures.</p> <p>HB 2196 – 2006, Failed. Requires planned community associations to maintain financial statements and other financial information at a convenient location for examination by any member for the duration that those statements and information are kept by the association.</p> <p>HB 756 – 2005, Failed. HB 3100. Prevents the foreclosure of liens imposed on certain dwelling units for failure to pay assessment, fee, or fines.</p> <p>HB 1936 – 2006, Failed. Requires board of directors of planned committee associations to notify members of the creation, alteration, or elimination of any committees or subcommittees. Requires association to make financial statements and meeting minutes available for members.</p> <p>SB 2192 – 2006, Failed. Requires association to make financial statements and association board meeting minutes available for members on a 24-hour loan basis and the latter to be transmitted to a requesting member within 15 days of receipt of request.</p>
Idaho	N/A
Illinois	HR 1006 – 2006, Failed. Creates a homeowners' association task force.
Indiana	N/A
Iowa	N/A
Kansas	<p>HB 2582 – 2006, Enacted. An act concerning homeowners associations; relating to certain restrictive covenants; concerning notification of the annual meeting and budget.</p> <p>HB 2544 – 2006, Failed. An act amending the Kansas act against discrimination; concerning certain homeowners association's restrictive covenants.</p>
Kentucky	N/A
Louisiana	HB 115 -- 2006, Enacted. Provides for changes with respect to the management of condominiums.
Maine	N/A
Maryland	<p>SB 229 – 2006, Enacted. A Task Force on Common Ownership Communities.</p> <p>SB 567 – 2006, Enacted. Establishes uniform standards for condominiums, homeowners associations, and housing cooperatives for making association books and records available for inspection and copying by owners.</p> <p>SB 568 – 2004, Enacted. Permits condominiums, homeowners associations, and housing cooperatives to provide meeting notices and deliver information to owners by electronic transmission where certain conditions are met.</p> <p>HB 1017 – 2004, Enacted. Preempts association prohibitions on display of the United States flag.</p>
Massachusetts	SB 813 – 2006, Failed. An act to provide notice and an opportunity to repair residential construction defects.
Michigan	<p>SB 0370 – 2006, Enacted. Seller disclosure act; require that seller disclosure form encourage inspection for potential allergens.</p> <p>SB 0630 – 2005, Failed. Creates manufactured home owners' residency act.</p>
Minnesota	N/A
Mississippi	N/A
Missouri	N/A
Montana	N/A
Nebraska	N/A
Nevada	<p>SB 325 – 2005, Enacted. An act relating to common interest communities; requiring persons who act as community managers to hold certificates.</p> <p>AB 236 – 2005, Enacted. Makes various changes relating to energy systems that use certain types of renewable energy: a homeowners' association cannot prohibit an owner from making changes to a unit for the purpose of energy efficiency, which includes using wind energy systems.</p>

New Hampshire	HB1537 – 2006, Failed. (Heard in House Judiciary committee). Procedures for resolving disputes regarding construction defects between homeowners and contractors. Provides that in residential construction defect cases, a homeowner may perfect an attachment against the contractor during the mandatory 60-day stay in which the homeowner and contractor attempt to resolve their dispute prior to litigation.
New Jersey	AB A798 – 2006, Failed. (Passed House, referred to Senate Community and Urban Affairs committee). Creating the New Jersey Common Interest Ownership Act.
New Mexico	HJM28 -- 2006, Failed. An interim study on homeowners' associations.
New York	A0095 – 2006, Failed. Allows homeowners associations organized as for profit corporations to merge into homeowners associations organized as not-for-profit corporations. A05297 – 2006, Failed. Establishes a residential cooperative and condominium owner's bill of rights.
North Carolina	H1361 – 2005, Failed. (Referred to House Judiciary committee, no hearing). Homeowners' Association attorney fees. An Act to define reasonable attorneys' fees under the North Carolina Condominium Act and the North Carolina Planned Community Act. H1541 – 2005, Enacted. Homeowners' Association Amendments. An Act to amend the laws governing HOAs to provide greater protections for homeowners. <ol style="list-style-type: none"> (1) Provides a cap on charges for late payment of assessments; (2) requires the names and addresses of all officers and board members to be published; provides minimum process procedures for suspension of community privileges or services by the board, including appeals; (3) provides for member participation at meetings and for meetings to be conducted in accordance with Robert's Rules of Order; (4) addresses procedures for liens for assessment and foreclosures; requires disclosure of certain association records; (5) prohibits a ban on the flying of the US or North Carolina State flag under four by six feet in size and requires a verbatim statement within the governing documents related to the prohibition; and (6) prohibits banning the display of political yard signs within 45 days prior to an election and seven days after that are no larger than 24 by 24 inches, a verbatim statement regarding any limitation on political yard sign display is required in the governing documents.
North Dakota	N/A
Ohio	N/A
Oklahoma	FTHB 1668 – 2004, Failed. Enacting the Oklahoma Real Estate Development Act.
Oregon	SB 906 – 2005, Failed. Revises provisions governing condominiums and planned communities. HB 3385 – 2003, Enacted. Relating to planned unit development; creating new provisions. SB 672 – 2005, Failed. Relating to properties governed by declarations; creating new provisions. HB 2864 – 2003, Failed. Relating to planned community association records; creating new provisions.
Pennsylvania	N/A
Rhode Island	HB 7853 – 2006, Failed. Requires municipalities to provide those services that are provided to single family residences to condominiums or in the alternative to reimburse condominiums the cost of said services. HB 2461 – 2006, Enacted w/o gov.'s signature. Real property condominium and low-income housing laws concerning housing, conservation and preservation restrictions.
South Carolina	HB 3739 – 2005, Failed. A bill to add Article 3 to Chapter 31, Title 27 of the 1976 Code, to provide for governance of a homeowners' association, including provisions for: <ol style="list-style-type: none"> (1) adopting or changing an operating rule, procedural fairness in the operation of the association's property and affairs; (2) filing of governing documents with the Secretary of State; (3) review by the Secretary of State of governing documents for compliance and notice of noncompliance to homeowners and the Department of Consumer Affairs; and (4) recognition of the determination as evidence per se of non-compliance in an enforcement action, enforcement of compliance by the department through fines and injunctions, and a cause of action against the Board of Directors of a homeowners' association for breach of its fiduciary duty to the association for non-compliance with this article.
South Dakota	N/A

Tennessee	<p>SB 0155 – 2005, Failed. Requires that sales to foreclose arising under liens created by a homeowner's association be by judicial sale only.</p> <p>HB 0491 – 2005, Failed. Prohibits building codes or zoning restrictions from imposing any requirement on structures in common interest community that are not imposed on physically identical developments under a different form of ownership.</p>
Texas	<p>SB 1834 – 2001, Failed. Relating to reimbursements to property owners following foreclosure sales by property owners' associations.</p> <p>SB 1835 – 2001, Failed. Relating to encumbrances that may be fixed on homestead property.</p> <p>SJR 53 – 2001, Failed. Proposing a constitutional amendment permitting an encumbrance to be fixed on homestead property for an obligation to pay certain property owners' association fees without permitting the forced sale of the homestead.</p>
Utah	<p>SB 90 – 2006, Failed. Establishes limits on covenants, conditions, and restrictions for a condominium project or a community association.</p> <p>HB 296 – 2006, Failed. Expands the definition of “unit” to include a proposed unit that is not constructed within two years of the issuance of a certificate of occupancy for the first unit in a condominium project; clarifies the application of a previous amendment of the definition of unit; clarifies references in Section 57-8-36 to amendments enacted in 1975; addresses the application of amendments to the Condominium Ownership Act; and makes technical changes.</p>
Vermont	N/A
Virginia	<p>HB 1694 – 2003, Enacted. Virginia Condominium and Property Owners' Association Acts; meetings.</p> <p>HB 2034 – 2003, Enacted. Virginia Property Owners' Association Act; amendment to declaration.</p> <p>HB 2217 – 2003, Enacted. Property Owners' Association Act; applicability.</p> <p>SB 1122 – 2003, Enacted. Allows the declaration of a property owners' association recorded prior to July 1, 1999, to be amended by a two-thirds vote of the lot owners if the declaration is silent on how it may be amended. This bill is identical to HB 2034.</p> <p>HB 1443 – 2003, Failed. Provides that in the Condominium and Property Owners' Association Acts any request by a lender to a unit owner's association, or a management company representing the unit owner's association for information necessary for a borrower to provide to the lender as a condition precedent to a settlement of a mortgage loan, must be provided to the lender within seven calendar days after the date of receipt of the written request received by mail, fax, hand delivery or electronic mail, and must be provided as part of the resale certificate, at no additional charge.</p> <p>HB 449 – 2004, Enacted. Condominium Act and Property Owners' Association Acts; nonjudicial foreclosure. Clarifies that a unit or lot sold in a non-judicial foreclosure proceeding shall be sold subject to prior liens. The bill reverses the Virginia State Supreme Court holding in <i>Wachovia vs. Colchester Towne</i>, which required lien-holders to be paid by the sale proceeds. The bill clarifies that these associations have the authority to serve as a unit owner's or a lot owner's statutory agent and may transfer title to the unit or lot to the purchaser at the foreclosure sale. The bill also: (i) extends from 24 to 36 months the time for initiating foreclosure proceedings to enforce a lien; (ii) adds additional notice requirements to the owner of the unit or lot; (iii) provides for the appointment of a trustee to conduct the sale; (iv) allows the association to bid on the unit or lot; (v) clarifies that foreclosure sale expenses include the association's advertising costs and reasonable attorneys' fees; and (vi) requires the association to prepare an accounting to show the distribution of the sale proceeds. The bill contains technical amendments and is identical to Senate Bill 463.</p> <p>HB 894 –2004, Enacted. Provides that except for certain topics, draft minutes of the board of directors shall be open for inspection and copying (i) within 60 days from the conclusion of the meeting to which such minutes appertain; or (ii) when such minutes are distributed to board members as part of an agenda package for the next meeting of the board of directors, whichever occurs first.</p> <p>SB 449 – 2004, Failed. Fees related to providing statements of assurance, resale certificate or disclosure packet. Increases the fee that owners' associations under the Condominium Act and the Property Owners Association Act may charge for providing a statement of assurance from 10 cents per page with a \$50 maximum to 15 cents per page with a \$100 maximum. The bill also increases the fee that an owners' association may charge for preparing a certificate of resale or disclosure packet from 10 cents per page with a \$100 maximum to 15 cents per page with a \$150 maximum. In addition, the bill clarifies that the purchaser may also request a statement of assurance and a certificate of resale or disclosure packet and makes technical amendments.</p>

Virginia (cont.)	<p>HB 443 – 2004, Failed. Provides that in the Condominium and Property Owners' Association Acts any request by a lender to a unit owner's association, or a management company representing the unit owner's association for information necessary for a borrower to provide to the lender as a condition precedent to a settlement of a mortgage loan, shall be provided to the lender within seven calendar days after the date of receipt of the written request received by mail, fax, hand delivery or electronic mail, and shall be provided as part of the resale certificate, at no additional charge.</p> <p>HB 2097 – 2006, carried over to 2007. Provides that, except as otherwise expressly provided in the declaration, no condominium instruments or declaration shall restrict or prohibit the display by a unit or lot owner of a flag of: (i) the United States; (ii) the Commonwealth; (iii) any active branch of the armed forces of the United States; or (iv) any military valor or service award of the United States. The bill provides, however, that an association may restrict the display of such flags in the common areas and may establish reasonable restrictions as to the size, place, duration, and manner of placement or display of such flags. The bill also requires the public offering statement, resale certificate, or association disclosure packet to contain a statement of any restrictions on the size, place, duration, and manner of placement or display of such flags. The bill contains technical amendments.</p>
Washington	<p>HB 1477 – 2006, Failed. Creating a committee to review homeowners' associations.</p> <p>HB 2191 – 2006, Failed. Limiting homeowners' associations authority to restrict the use of fire resistant roofing materials.</p> <p>EHB 2861 – 2006, Enacted. Authorizing removal of discriminatory provisions in the governing documents of homeowners' associations.</p> <p>SB 5410 – 2006, Failed. Limiting homeowners' associations' restrictions on political yard signs. (Identical to SSB 6064, which was enacted).</p> <p>SSB 6064 – 2006, Enacted. Limiting homeowners' associations' restrictions on political yard signs.</p> <p>SB 5559 – 2006, Failed. Revising procedures for amendment of governing documents for homeowners' associations.</p> <p>SB 5560 – 2006, Failed. Protecting email addresses of members of homeowners' associations.</p> <p>SB 5561 – 2006, Failed. Encouraging use of dispute resolution services for homeowners' associations.</p>
West Virginia	<p>SB 234 – 2006, Failed. Creating consumers' sales and service tax exemption for certain payments to homeowners' associations.</p>
Wisconsin	N/A
Wyoming	N/A
Federal Law	<p>HR 42 – 2006, Enacted as Public Law No. 109-243. Freedom to display the American Flag Act of 2005. Bars condominium associations and homeowners' associations from restricting or preventing the display of the American flag.</p>

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